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Letter dated 26 January 2016 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit a letter dated 18 January 2016 from Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission, regarding the achievement of Implementation Day of the Joint Comprehensive Plan of Action agreed between the E3/EU+3 and the Islamic Republic of Iran and endorsed by the Security Council in its resolution 2231 (2015) (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council for publication on the appropriate website.

(*Signed*) **BAN** Ki-moon

16-00734 (E) 260116

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Annex

I am pleased to inform you that on 16 January 2016, after receiving the report from the International Atomic Energy Agency that Iran had completed all the necessary steps, we reached Implementation Day of the Joint Comprehensive Plan of Action. In my capacity as Coordinator of the Joint Commission established under the Joint Comprehensive Plan of Action, which was agreed between the E3/EU+3 and Iran on 14 July 2015 and endorsed by the Security Council in its resolution 2231 (2015), I would be grateful if you could have the attached documents related to the establishment of the procurement channel transmitted to the President of the Security Council for publication on the United Nations website (see enclosures 1-5).

Allow me to express my gratitude for your support throughout the whole negotiating process.

(*Signed*) Federica **Mogherini**

Enclosure 1

Optional Application Form

(For activities falling under paragraph 2 of Annex B of UNSC Res. 2231)

1 **State submitting the proposal**: _____

2 **Proposed activity** (according to paragraph 2 of Annex B of UNSC Res. 2231)

2 (a) supply, sale, or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to or for the use or benefit of, Iran, and whether or not originating in its territory, of:

Specify type of the above activity (if applicable):

items, material, equipment, goods and technology set out in INFCIRC/254/Rev.12. Part 1 ☐

items, material, equipment, goods and technology set out in INFCIRC/254/Rev.9 Part 2 ☐

further items if the state determines that they could contribute to reprocessing or enrichment-related or heavy water-related activities inconsistent with the JCPOA ☐

2 (b) the provision to Iran of:

technical assistance or training ☐
financial assistance, investment, brokering ☐
or other services ☐

Specify type of the above activity (if applicable):

and the transfer of financial resources or services related to the:

supply, sale, or transfer ☐
manufacture ☐
use ☐

Specify type of the above activity (if applicable):

of the items, material, equipment, goods and technology described in subparagraph (a) above

2 (c) acquisition by Iran of an interest in a commercial activity involving uranium mining or production or use of nuclear materials or technology as listed in INFCIRC/254/Rev.12/Part 1, and such investment in territories under its jurisdiction by Iran, its nationals, and entities incorporated in Iran or subject to its jurisdiction, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them ☐

3 **Supporting information**
(*: The asterisk denotes necessary supporting information according to Annex IV of the JCPOA and requirements for the proposing state according to paragraph 2 of Annex B of UNSC Res. 2231. The provision of the other information is optional.)

3 (a) Description of the item*

Description*:

(For items, material, equipment, goods and technology set out in INFCIRC/254/ Rev.12. Part 1 or INFCIRC/254/Rev.9/Part 2) Control list number:

(For items, material, equipment, goods and technology other than those set out in INFCIRC/254/ Rev.12. Part 1 or INFCIRC/254/Rev.9/Part 2) Reason for submission:

Technical documentation (supporting document) ☐

Quantity/weight (if applicable): _____

Currency and total value in the exporting state (if applicable): _____ _____

Additional items (separate sheet): ☐

3 (b) Name, address, telephone number, and email address of the exporting entity (or entity providing related service)*

Name*	
Address*	
Telephone number*	
Email address*	
Website (if applicable)	

Name, address, telephone number, and email address of other entities involved provided on a separate sheet (if applicable): ☐

3 (c) Name, address, telephone number, and email address of the importing entity*

Name*	
Address*	
Telephone number*	
Email address*	
Website (if applicable)	

3 (d) Statement of proposed end-use and end-use location*

End-use for Iran's nuclear programme authorized by the JCPOA ☐
Non-nuclear civilian end-use ☐

Description of end-use:

End-use location of the item (or the item in which the item will be incorporated):

End-use certification signed by the AEOI or the Ministry of Foreign Affairs of Iran attesting the stated end-use* ☐

The proposing state will ensure that the requirements, as appropriate, of the Guidelines as set out in INFCIRC/254/ Rev.12/ Part 1 or INFCIRC/254/Rev.9/Part 2 have been met.* ☐

Name, address, telephone number, and email address of the end-user (if different from the importing entity)*:

Name*	
Address*	
Telephone number*	
Email address*	
Website (if applicable)	

3 (e) Export license number* _____
(if not available when the application is submitted, such information must be provided by the proposing State to the Security Council as soon as possible and in any event as condition of approval prior to shipment of the item).

3 (f) Contract date* _____
(if not available when the application is submitted, such information must be provided by the proposing State to the Security Council as soon as possible and in any event as condition of approval prior to shipment of the item).

3 (g) Details on transportation* (if not available when the application is submitted, such information must be provided by the proposing State to the Security Council as soon as possible and in any event as condition of approval prior to shipment of the item).

State of origin (if different from state submitting the proposal):

State of consignment from which goods are sent to Iran (if different from state submitting the proposal):

Other state(s) involved in the transaction (specify function):

Type of conveyance (e.g. ship, air, if applicable)

3 (h) End-use verification (in accordance with Section 6.8 of Annex IV of the JCPOA)

The proposing state has obtained and is in a position to exercise effectively a right to verify the end-use and end-use location of all items to be supplied to Iran* ☐

Details on end-use verification (if appropriate)

3 (i) Additional information (if applicable):

Additional information in separate document: ☐

4 Point of Contact

Name	
Address	
Telephone number	
Email address	

5 Date of Submission

Information on additional items involved in the transfer
(in addition to those listed under 3 above)

Description:

(For items, material, equipment, goods and technology set out in INFCIRC/254/ Rev.12. Part 1 or INFCIRC/254/Rev.9/Part 2) Control list number:

(For items, material, equipment, goods and technology other than those set out in INFCIRC/254/ Rev.12. Part 1 or INFCIRC/254/Rev.9/Part 2) Reason for submission:

Technical documentation (supporting document) ☐

Quantity/weight (if applicable): _____

Currency and total value (in the exporting state): _____ _____

Information on other entities involved (if applicable):

Name, address, telephone number, and email address of this entity

Name	
Address	
Telephone number	
Email address	
Website (if applicable)	
Function	

Name, address, telephone number, and email address of this entity

Name	
Address	
Telephone number	
Email address	
Website (if applicable)	
Function	

Name, address, telephone number, and email address of this entity

Name	
Address	
Telephone number	
Email address	
Website (if applicable)	
Function	

Enclosure 2

Explanatory Note: Optional Application Form

(For activities falling under paragraph 2 of Annex B of UNSC Res. 2231)

This form can be used by States to apply for permission for all activities falling under paragraph 2 of Annex B of UNSC Res. 2231. It is intended to help States to submit proposals which include all necessary supporting information as specified in Annex IV of the JCPOA.

1 State submitting the proposal

Name of the State submitting the proposal in order to allow proper attribution.

The first State seeking to engage in a transfer requiring approval by the Security Council should submit the proposal. If the Security Council approves the proposed transfer, activities, such as financial, transportation, and insurance transactions directly related to the approved transfer that are consistent with UNSCR 2231 and the JCPOA may also be considered approved for that transfer. Information on these activities must be provided by the State to the Security Council as soon as possible and in any event as a condition of approval before the activity taking place. States would need to submit a new proposal for any additional items not identified in the original proposal.

For an activity involving several States, there are optional fields (later in the form) for the State submitting the proposal to identify other entities involved in the transaction. In such circumstances, approval of the proposal identifying such other entities is sufficient to provide approval for the participation of such other entities (and there need not be a separate proposal).

2 Type of proposed activity

In this section, the proposing State should specify the activity or activities, as set out in paragraph 2 of Annex B of UNSC Res. 2231 (multiple entries possible).

2 (a) This section covers the activities set out in paragraph 2 (a) of Annex B of UNSC Res. 2231, that are **the supply, sale, or transfer** of items to Iran.

If applicable the type of the activity can be specified in the box below.

Tick box: type of item, material, equipment and technology. Multiple entries are possible for proposals relating to items set out in INFCIRC/254/Rev.12. Part 1, INFCIRC/254/Rev.9. Part 2, or any further items (not covered by the INFCIRCs) if the State determines that they could contribute to reprocessing or enrichment-related or heavy-water related activities inconsistent with the JCPOA.

2 (b) This section covers the activities set out in paragraph 2 (b) of Annex B of UNSC Res. 2231, that are **services and assistance related** to the supply, sale, or transfer of items to Iran or the manufacture or use of such items in Iran.

Tick box: type of related services. Multiple entries are possible. If applicable the type of the activity can be specified in the box below (in particular if the box other services has been ticked).

Tick box: type of activity to which proposed service or assistance is related to. Multiple entries are possible.

2 (c) This section covers the activities set out in paragraph 2 (a) of Annex B of UNSC Res. 2231, that is the **acquisition by Iran of an interest in a nuclear-related commercial activity**. The application form is primarily designed for activities falling under 2 (a) and 2 (b). For activities falling under 2 (c) some of the following supporting information may not be applicable. The proposing States should attach further information.

3 Supporting information

3 (a) Description of the goods/description of the related service

This entry should contain a clear description of the items to be exported. A description is part of the necessary supporting information.

The entry should allow for an understanding of the relevance of the item or the service for the procurement channel. The entry should neither be too general (e.g. "tools") nor be limited to product names. A detailed description could help to clarify why goods fall under the criteria of the respective entry on the control lists and verify whether the transaction is in line with the JCPOA.

For **proposals covering several items**, only the first item should be described in the section. A description of additional items needs to be provided on a separate sheet.

For items, material, equipment, goods and technology set out in INFCIRC/254/ Rev.12. Part 1 or INFCIRC/254/Rev.9/Part 2, the NSG **control list number** should be provided. It is also useful, for NSG States, to use the NSG control parameters to describe the characteristics of the items.

If the proposal relates to **further items** which are not set out in INFCIRC/254/ Rev.12. Part 1 or INFCIRC/254/Rev.9/Part 2, the proposing State could specify its reasons for submission to the procurement channel.

Technical documentation may be provided by proposing States. This will be useful for the assessment of the proposal.

Quantity/Weight (if applicable): Indication of quantity of items; the type of unit applicable should also be indicated (e.g. units, kilograms, etc.)

Currency and total value (if applicable): Information on the value of goods to be exported or value of services provided, together with the currency. This information is useful for the assessment of the proposal and can be provided in approximate form. The value should be given in the currency of the exporting State.

3 (b) Exporting entity/entity providing related service

Name and details of the entity exporting the items or providing the related services. This is part of the necessary supporting information.

Other involved entities (if different from exporting and importing entity, if applicable) should be provided on a separate sheet: entries should identify other parties involved in a transaction and specify their role, e.g. agents, brokers, first consignees, freight forwarders etc. In order to avoid duplications and in order to get an immediate understanding of the proposal, it will be helpful to have explanations on the key entities involved in the transaction.

3 (c) Importing entity in Iran / Iranian entity to which related services are provided to

Name and details of the entity in Iran importing the items or benefitting from related services. This is part of the necessary supporting information. In many cases this will be the end-user of the items in question. If not, the name and details of the end-user need to be provided under 3 (d).

3 (d) Statement of the proposed end-use and end-use location

A statement of the proposed end-use and end-use location is part of the necessary supporting information.

The **tick-box** (End-use for Iran's **nuclear** programme authorized by the JCPOA/**Non-nuclear** civilian end-use): If the end-use is for a nuclear purpose as certified by the AEOI, the Coordinator of the Procurement Working Group will send the application to the IAEA (in addition to the Procurement Working Group).

The **description of the proposed end-use** should clarify the purpose for which the item(s) will be used by the end-user. The description should allow an assessment of the proposal without being overly technical. The description should correspond with the description in the end-use document.

End-use location: The entry should contain information on where the item in question will be used (details of location). If the good is being exported for incorporation into another product by the end user, information on that product should be provided instead.

End-use certification signed by the AEOI or the Ministry of Foreign Affairs of Iran attesting to stated end-use to be attached to proposal.

Guidelines in the INFCIRCs: With this tick box the proposing State confirms that the requirements, as appropriate, of the Guidelines as set out in INFCIRC/254/ Rev.12/ Part 1 or

INFCIRC/254/Rev.9/Part 2 have been met. This relates in particular to guidelines on re-sale, re-transfer, and re-export.

If different from the importing entity, name and details of the **end-user** need to be provided.

3 (e) National export licence or reference number (if applicable):

National export licence or reference number linked with the Country Code in order to allow proper attribution for State submitting the proposal.

If not available as of the time of submittal of the proposal, such information must be provided by the proposing State to the Security Council as soon as possible and in any event as condition of approval prior to shipment of the item. If the national reference number was provided in the original application and if the proposing State notifies the Security Council that the national processing number is identical with the final export licence number, this information does not need to be submitted again. If the proposal is approved prior to receipt of this information, the Security Council should note in its letter to the exporting State, that this information is required to be submitted prior to shipment, as specified in Annex IV, section 6.4.2 of the JCPOA.

3 (f) Contract date

Date when the contract was concluded (if applicable).

If not available as of the time of submittal of the proposal, such information must be provided by the proposing State to the Security Council as soon as possible and in any event as condition of approval prior to shipment of the item. If the proposal is approved prior to receipt of this information, the Security Council should note in its letter to the exporting State, that this information is required to be submitted prior to shipment, as specified in Annex IV, section 6.4.2 of the JCPOA.

3 (g) Details on transportation

Details on transportation will in many cases not be available when a proposal is submitted to the Security Council. If not available as of the time of submittal of the proposal, such information must be provided by the proposing State to the Security Council as soon as possible and in any event as condition of approval prior to shipment of the item. If the proposal is approved prior to receipt of this information, the Security Council should note in its letter to the exporting State, that this information is required to be submitted prior to shipment, as specified in Annex IV, section 6.4.2 of the JCPOA.

The following fields are meant to provide more guidance on the kind of information needed for the Procurement Working Group to understand the movement of the items. The information can also help to identify possible duplications of proposals. In the case of a technology or software transfer, transportation details may not be relevant.

State of origin (if different from state submitting the proposal): State from which the items are originating.

State of consignment from which goods are sent to Iran (if different from State submitting the proposal): State from which the items will be shipped to Iran.

Other States involved in the transaction (please provide explanation/function): Possibility to provide more information on the transportation route if deemed necessary.

Type of conveyance (e. g. ship, air, rail, truck).

As indicated in the explanations under 3(c), the name of the freight forwarder or shipping agent should be provided on a separate sheet.

3 (h) End-use verification

Tick box end-use verification: With this tick box the proposing State confirms to have obtained and be in a position to exercise effectively a right to verify the end-use and end-use location of all items to be supplied to Iran.

It will be helpful if the proposing State provides further information on the measures agreed to with Iran and the recipient company to verify the end-use.

3 (i) Additional information

The proposing State may provide additional information to support the consideration of the proposal.

4 Date of Submission

Date of submission of the proposal.

5 Point of contact

Important for the administration of the proposal, including – if appropriate – for obtaining further information on the proposal. This should be the appropriate authority of the proposing State, which has submitted the proposal.

Enclosure 3

Official headed paper of the authority of Iran

OPTIONAL END-USE CERTIFICATION

for presentation to the export control authorities

of [EXPORTING STATE] and the United Nations Security Council in accordance with the JCPOA

Section A – Parties

Consignee (name, address website and contact details)
End-user (name, address, website and contact details), if different from consignee
Exporting entity/supplier (name, address and contact details)

Section B – Items (Goods, software or technology)

Description of the items (Goods, software or technology)
Quantity/Weight (in case of technology not applicable)

Section C – End-use/Purpose of the items

Purpose of the items (goods, software or technology). Please specify:
a. Goods will be used in the form received and will not be re-exported, re-transferred, or further distributed without prior consent from the exporting State ☐. b. Goods will be incorporated into the following products: _____ and will not be re-exported, re-transferred, or further distributed without prior consent from the exporting State ☐. c. Goods or incorporated goods are to be re-sold, re-exported, or further distributed to the following end users _____ for the following end products _____ ☐.
- if the items (goods, software or technology) are to be incorporated into or used for the development, production, use or repair of another item please describe that item, its purpose and end-user:

Section D – End-use location

Specification of the end-use location

Section E – Certification of the end-user undertaking by the end-user

The stated end-use (**Section C**) and end-use location (**Section D**) is hereby attested.

The end-user will not use the above-mentioned items and any replica thereof (or, in the case of technology any derived items) in the storing, processing, producing and developing of, or in any other way related to, weapons of mass destruction and their delivery systems or any use other than we declared above.

The end-user will permit the exporting state to verify the end-use of the above-mentioned items, materials, equipment, goods and technology set out in INFCIRC/254/Rev.9/Part2.

Place, Date	Original signature
Official seal (if applicable)	Name and title of signer in block letters

Section F – Certification of the end-user undertaking by the appropriate authority of Iran

This is to certify that the above-mentioned items and any replica thereof (in case of technology also derived goods) will be used for:

- Iran's nuclear programme as set out in the JCPOA ☐
- a non-nuclear civil end-use consistent with the JCPOA ☐

The stated end-use (**Section C**) by the importing entity and end-use location (**Section D**) is hereby attested.

Iran will not use the above-mentioned items and any replica thereof (or, in the case of technology any derived items) in the storing, processing, producing and developing of, or in any other way related to, weapons of mass destruction and their delivery systems or any use other than we declared above.

Iran will not retransfer the above-mentioned items within Iran without prior consent from the exporting State. Iran will meet the requirements of the guidelines as set out in INFCIRC/254/Rev.12/Part 1 and INFCIRC/254/Rev.9/Part 2.

Iran will permit the exporting state to verify the end-use of the above-mentioned items, materials, equipment, goods and technology set out in INFCIRC/254/Rev.9/Part2.

Iran will provide to the IAEA access to the locations of intended use of all items, materials, equipment, goods, and technology set out in INFCIRC/254/Rev.12/Part 1.

Place, Date	Original signature
Official seal	Name and title of signer in block letters

Enclosure 4

Explanatory Note: Optional End-Use Certification (EUC)

(For activities falling under paragraph 2 of Annex B of UNSC Res. 2231)

This form can be used by States to assess and obtain certification of the end-use for all activities falling under paragraph 2 of Annex B of UNSC Res. 2231. An end use certificate is among the necessary supporting information that is to be included with a proposal.

I. General Information

To facilitate timely consideration of the proposal, it is important that the proposing State provide a correct and complete EUC. An incorrect or incomplete EUC might lead to an incomplete proposal, which is likely to result in the proposal being delayed or denied.

The EUC needs to be signed and dated by the AEOI for procurements for Iran's nuclear programme and the Ministry of Foreign Affairs of Iran for procurements for a non-nuclear civilian end-use. 'Digital' signatures are not acceptable. All sections of the EUC should be completed legibly.

Be mindful of references to any unfamiliar abbreviations or acronyms particularly those referring to Consignees or End-Users. To avoid a delay or denial of your proposal, acronyms should be spelled out in full.

II. Guidance regarding the EUC

This sample EUC form encompasses 6 sections (A to F). The following headings deal with each section individually and offer a detailed explanation regarding all elements of each section.

Please be aware: the EUC form must be printed on an official headed paper of the Iranian authority, as noted in the upper left side of the EUC form.

1. Section A – Parties

- **Consignee:** The Consignee is the first recipient of the items, who can wield direct or indirect influence on the items. In certain cases, there might also be several Consignees. **In this case all Consignees must be named in the EUC**. A Consignee can also be the final End-User. Please note that a person/company, who/which only acts as a broker is not a Consignee.

- **End-User:** The final End-User is the entity, which consumes, uses, incorporates etc. the item. **The Consignee and the End-User can be identical**. In cases of identicalness please use the box Consignee solely.

Exporting entity/supplier: The exporting entity/supplier is the contracting partner of the Consignee.

2. Section B – Items (Goods, software or technology)

a. General terms

- **Item:** The term item includes goods, software and technology. Software can be exported electronically (e.g. via email) or physically on a (mobile) data storage device (e.g. USB-stick).

- **Technology:** Technology encompasses documents, data, records etc. which can be used for the production of goods or production of parts of these goods or any developments or use of the aforementioned. Goods which will be produced with the assistance of the technology are referred to as derived goods.

b. Boxes of the section

- *Description of the item(s):* Please describe each item in as much detail as possible to enable a comprehensive technical evaluation.

- *Quantity/Weight:* These boxes must only be completed in cases of goods and software.

3. Section C – End-Use/Purpose of the item(s)

- *Purpose of the item(s):* Please describe the purpose of each item in as much detail as possible to enable a comprehensive technical evaluation especially regarding the intended end-use of the item.

  Please be aware that this box is a vital element for the overall evaluation of the export. If the purpose is not clearly stated, this might lead to a denial of the proposal.

- *Tick-boxes re-transfer, incorporation of goods:* One (and only one) of the following three options for the purpose of the item should be selected: (a) Goods will be used in the form received and will not be re-exported, re-transferred or further distributed without prior consent of the exporting State, (b) Goods will be incorporated into specific products (to be specified) and will not be re-exported, re-transferred, or further distributed without prior consent of the exporting State, (c) Goods are to be re-sold, re-exported, or further distributed to specific end-users (to be specified) for specific end-products (to be specified). These tick-boxes complement the above description on the purpose of the item(s).

- *In cases of incorporation of the item(s) or usage for the development, production, usage or repair of another item*, this item must be described in detail as well as the purpose and the

respective End-User. Please note that this box is only to be completed, if the exported item(s) is (are) further used in the above specified way.

4. Section D – End-Use location

Please specify the exact *End-Use location* of the exported items. This location might differ from the address of the End-User (if different from the Consignee).

For example: Company X, with its central procurement office in city Y, buys the item but uses it in its production facility in city Z. In this case there is only one End-User (company X), but the End-Use location (city Z) differs from the order address (city Y).

Therefore please note: The End-Use location is the place where the item is actually used, consumed etc.

5. Section E – Certification of the end-user undertaking by the end-user

In this section the end-user attests the end-use/purpose of the item declared under section C and the end-use location declared under section D and permits the exporting State to verify the end-use of items set out in INFCIRC/254/Rev.9/Part 2 which are to be imported following the procedure under Section 6 of Annex IV of the JCPOA.

All these statements and information must be signed by the end-user. This includes the mentioning of the (1.) place and date, the (2.) official seal (if applicable), the (3.) signature itself and (4.) the name and title of the signer in block letters.

6. Section F – Certification of the end-user undertaking by the appropriate authority of Iran

In this section the appropriate authority of Iran explicitly declares what the exported goods are going to be used for by checking one of the tick boxes. **Please be aware** that only one box can be ticked to have a valid EUC as these options are alternatives and cannot be present at the same time.

If goods and services are for Iran's nuclear programme as set out by the JCPOA, the end-use certification needs to be signed by the Atomic Energy Authority of Iran (AEOI). For non-nuclear civilian end-use, the end-use certification needs to be signed by the Ministry of Foreign Affairs of Iran (until further notice).

The appropriate authority of Iran confirms that the above mentioned items will not be retransferred in Iran without prior consent from the exporting State and that Iran will meet the requirements of the guidelines as set out in INFCIRC/254/Rev.12/Part 1 and INFCIRC/254/Rev.9/Part 2.

Furthermore, the appropriate authority of Iran attests the End-Use/Purpose of the item declared under Section C and the end-use location declared under Section D and permits the exporting State to verify the End-Use of items set out in INFCIRC/254/Rev.9/Part 2 which are to be imported following the procedure under Section 6 of Annex IV of the JCPOA.

Iran will provide to the IAEA access to the locations of intended use of all items, materials, equipment, goods, or technology set out in INFCIRC/254/Rev. 12/Part 1.

All these statements and information must be signed and verified by the appropriate authority of Iran. This includes the mentioning of the (1.) place and date, the (2) official seal, the (3.) signature itself and (4.) the name and title of the signer in block letters.

Enclosure 5

Information on the Procurement Channel

The Procurement Working Group of the Joint Commission has provided this document to give practical information to States on the Procurement Channel. Further details can be found in UN Security Council resolution 2231 and Annex IV of the JCPOA.

The Procurement Channel reviews proposals by States seeking to participate in or permit certain transfers of nuclear or dual-use goods, technology, and/ or related services to Iran. States submit proposals to the UN Security Council. The Joint Commission will then assess the application and provide a recommendation to the Security Council. The Security Council will decide on the basis of this recommendation and inform the State about its decision. States may wish to use this form to provide all relevant information and will need end-use certification by the appropriate Iranian authority (see model end-use certification).

Contact information for enquiries:

Security Council: SC-Resolution2231@un.org
Joint Commission/Procurement Working Group: PWG-enquire@eeas.europa.eu

A. General outline of the Procurement Channel

1. What is the Procurement Channel?

United Nations Security Council resolution 2231 (2015) requires States to obtain prior approval from the Council for certain specified activities with Iran. The Procurement Channel was established by the Joint Comprehensive Plan of Action (JCPOA) and endorsed by the resolution as the mechanism to review proposals by States seeking to engage in these activities with Iran for nuclear and non-nuclear civilian end-uses.

Proposals should be submitted to the UN Security Council. The Security Council will forward proposals to the Procurement Working Group of the Joint Commission, which is comprised of China, France, Germany, Iran, the Russian Federation, the United Kingdom, the United States, with the High Representative of the Union for Foreign Affairs and Security Policy. The Procurement Working Group will review proposals within a specified timeline and submit a recommendation on behalf of the Joint Commission to the Security Council for its final review and decision. The Security Council will then notify the proposing State whether its request has been approved or disapproved.

2. What does the Procurement Channel cover?

The procurement channel generally covers:

(1) The supply, sale or transfer of nuclear and dual-use items, materials, equipment, goods, and technology (set out in INFCIRC/254/Rev.12/Part 1 and INFCIRC/254/Rev.9/Part 2 respectively for nuclear and non-nuclear civilian end-uses, as well as any further items if the relevant State determines that they could contribute to activities inconsistent with the JCPOA).

(2) The provision to Iran of assistance or services related to the supply, sale, transfer, manufacture, or use of nuclear and dual-use goods (e.g. technical assistance or training, financial assistance, investment, brokering).

(3) The acquisition by Iran of an interest in certain commercial nuclear-related activity in another State and related investments.

See Annex B of Security Council Resolution 2231 and paragraph 6.1 of Annex IV of the JCPOA for more detail, including certain exemptions as set out therein.

3. How do States submit a proposal under the Procurement Channel?

States are encouraged to send proposals by email to SC-Resolution2231@un.org, States may use the model application form that includes all necessary supporting information as specified by United Nations Security Council resolution 2231 and Annex IV of the JCPOA. Additional information on how to fili out this form is available here. It is helpful to submit the proposals in a machine readable format as this is likely to speed up the review process.

4. Can private entities, such as exporters or providers of technical assistance, submit a proposal or engage directly with the Security Council or Joint Commission?

The Procurement Working Group will endeavour to respond to requests for guidance from third parties. Private entities are encouraged to contact their national authorities first. Private entities cannot directly submit proposals or engage with the Security Council. Exporters and providers of technical assistance will need to apply to the competent national authority for the relevant authorisation, in accordance with their national legislation. The Security Council will not respond to inquiries received directly from companies or individuals.

5. What information is required in a proposal?

The necessary supporting information for a proposal is defined in paragraph 6.4.2 of Annex IV of the JCPOA. It includes:

(a) a description of the item;
(b) the name, address, telephone number, and email address of the exporting entity;
(c) the name address, telephone number, and email address of the importing entity;
(d) a statement of the proposed end-use and end-use location, along with an end-use certification signed by the AEOI or the Ministry of Foreign Affairs of Iran (until further notice) attesting to the stated end-use;
(e) export license number, if available;
(f) contract date, if available; and
(g) details on transportation, if available.

If the information (e), (f) and (g) is not available when a proposal is submitted to the Security Council, it must be provided by the proposing State as soon as possible and in any event as condition of approval prior to shipment of the item.

Using the application form will help States to provide all necessary information. In addition, States may provide as much information and technical detail as possible. Particular attention should be given to the description of the item, which should allow for a proper understanding of the item in question (see Q18 below).

6. What happens if the proposal is incomplete?

Incomplete proposals will likely be denied due to the lack of sufficient information.

7. In what language can proposals be submitted?

Proposals should be submitted to the Security Council in any of the six official languages of the United Nations. If needed, documents will then be translated by the United Nations Secretariat. This will be done before the beginning of the review period in the Joint Commission.

8. How are proposals decided? How long will the review process take?

After receiving a proposal, the Security Council will consult the Joint Commission. The Procurement Working Group has 20 working days (extendable to 30 working days) to make a recommendation. Approvals will be based on consensus. At least two members of the Procurement Working Group may refer recommendations to disapprove to the Joint Commission for review within five working days. The Joint Commission would make a decision whether to approve of the proposal by consensus within 10 working days.

Based on the Joint Commission's recommendation the Security Council will either approve or disapprove a proposal submitted by a State within five working days. The Security Council will notify the proposing State of the outcome of the review.

9. Can disapproved proposals be resubmitted?

Yes - if States resubmit disapproved proposals, they should include the original UN reference number. It would be helpful to provide an explanation of the changes and amendments made.

The Procurement Working Group may provide information regarding a disapproval that would help any future submissions.

10. What if there are changes to the proposed activity during the review process?

States may need to resubmit the proposal if there are changes concerning any of the necessary supporting information as defined in Paragraph 6.4.2 of Annex IV of the JCPOA, in particular (a) description of the item (including changes of the quantity); (b) the name, address, telephone number, and email address of the exporting entity; (c) the name address, telephone number, and email address of the importing entity; or (d) a statement of the proposed end-use and end-use location, along with an end-use certification signed by the AEOI or the Ministry of Foreign Affairs of Iran (until further notice) attesting the stated end-use.

If the change concerns (e) export license number; (f) contract date; or (g) details on transportation, States do not need to resubmit the proposal. The change should be provided by the proposing State.

11. What happens after approval by the Security Council?

When notifying a proposing State of an approval, the Security Council will provide a certification of approval for the activity in question and assign the transaction/approval a number. This certification can be used by the entities involved in the transaction as an accompanying document for the shipment of the items in question and be presented to national authorities.

12. How will the confidentiality of proposals be treated?

The operation of the procurement channel will be subject to the confidentiality of the UN.

B. Further questions and answers

13. Which State is responsible for submitting the proposal? What happens if more than one State is involved in the transaction?

The first State seeking to engage in a transfer requiring approval by the Security Council should submit the proposal. If the Security Council approves the proposed transfer, activities,

such as financial, transportation, and insurance transactions directly related to the approved transfer that are consistent with UNSCR 2231 and the JCPOA may also be considered approved for that transfer. Information on these activities must be provided by the State to the Security Council as soon as possible and in any event as a condition of approval before the activity taking place. States would need to submit a new proposal for any additional items not identified in the original proposal. Any State that has questions may contact the Security Council for guidance.

For an activity involving several States, there are optional fields in the application form for the State submitting the proposal to identify other entities involved in the transaction. In such circumstances, approval of the proposal identifying such other entities is sufficient to provide approval for the participation of such other entities (and there need not be a separate proposal).

14. Can a proposal cover multiple activities?

A proposal can cover multiple activities, such as the supply of several goods or the supply of goods together with related services. States are to submit national applications that cover all possible activities and related services (e.g. exports and related maintenance services). If the Security Council approves the proposed transfer, activities, such as financial, transportation, and insurance transactions directly related to the approved transfer that are consistent with UNSCR 2231 and the JCPOA may also be considered approved for that transfer. Information on these activities must be provided by the State to the Security Council as soon as possible and in any event as a condition of approval before the activity taking place. States would need to submit a new proposal for any additional items not identified in the original proposal. Any State that has questions may contact the Security Council for guidance.

15. Can a proposal cover more than one item?

A proposal can cover several items. Separate sheets with a description of the additional items should be attached to the application form. A decision will be taken on the application as a whole.

16. Where can I find more information on the items in question? Where are INFCIRC/254/Rev.12/Part 1 or INFCIRC/254/Rev. 9/Part 2?

The list of nuclear goods and technology (INFCIRC/254/Rev.12/Part 1) can be found here and the list of dual-use goods and technology (INFCIRC/254/Rev.9/Part 2) can be found here. States are encouraged to check the items in question against these lists and provide the accurate control list entry. States should provide relevant information/documentation to support the classification.

17. Can a proposal include items which are set out in S/2015/546 as well as INFCIRC/254/Rev.12/Part 1 or INFCIRC/254/Rev. 9/Part 2?

A proposal may include items which fall both under S/2015/546, as well as one of the INFCIRCs. Such a proposal should be submitted for review as an activity falling under Paragraph 2 of Annex B of Security Council Resolution 2231. The Security Council will decide on such proposals based on a recommendation of the Joint Commission.

18. What technical information about the item is required?

States are encouraged to provide the relevant entry in INFCIRC/254/Rev.12/Part 1 and INFCIRC/254/Rev.9/Part 2, if applicable. States should provide relevant information/documentation, including the relevant technical parameters, to support the classification.

Additional technical specifications, such as a data sheet, product catalogue, diagram or picture may also be presented.

19. Which entities need to be included in the proposal?

Proposals must include the exporting entity, the importing entity and the end-user (if different from the importing entity). The exporting entity is the company or individual that enters into the contract with the Iranian counterpart. The importing entity is the entity in Iran importing the items or benefitting from related assistance or services. In many cases, this will be the end-user of the items or the recipient of the assistance or services in question. Additional entities involved in the transfer (e.g. agents, brokers, first consignees or freight handlers) should be provided on a separate sheet with an explanation of their respective roles in the transaction.

20. What should the statement of the proposed end-use and end-use location include?

The statement of proposed end-use should clarify whether the end-use will be for Iran's nuclear programme authorized by the JCPOA or a civilian non-nuclear end-use. If the end-use is for a nuclear purpose, the proposal will also be shared with the IAEA. It should also clarify the purpose for which the item(s) will be used. The end-use location is the location where the item is actually used or consumed. Its description should include an address, which may be different from the head office of the end-user.

21. What are the requirements of the guidelines set out in the INFCIRCs?

For transfers of nuclear goods as set out in INFCIRC/254/Rev.12/Part 1 this includes in particular the requirements set out in paragraph 9, controls on retransfers, of the guidelines for nuclear transfers.

For transfers of dual-use goods as set out in INFCIRC/254/Rev.9/Part 2 this includes in particular the requirements set out in paragraph 7, consent rights over retransfers, of the guidelines for transfers of nuclear-related dual-use equipment, materials, software and related technology.

These requirements can be met by including relevant information in the end-user certification.

22. What information should be provided on end-use verification?

Proposing States should confirm that they have obtained and are in a position to exercise effectively a right to verify the end-use and location of end-use as required by paragraph 2 of Annex B of UNSC resolution 2231.

The proposing State may provide further information on the intended measures to verify the end-use.

23. What end-use certification is required?

If goods and services are for Iran's nuclear programme as set out by the JCPOA, the end-use certification needs to be signed by the Atomic Energy Authority of Iran (AEOI). For non-nuclear civilian end-use, the end-use certification needs to be signed by the Ministry of Foreign Affairs of Iran (until further notice).[1] *The end-use certification should attest the stated end-use.*

The end-use certification needs to be issued by the appropriate authority of Iran (see above).

A model end-use certification for the purpose of the procurement channel can be found here and an explanatory note can be found here.

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[1] *Contact details will be provided by Iran in due course.*